

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Alberto, et al.

Group Art Unit: 1639

Serial No.: 10/525,152

Filed: February 18, 2005

Confirmation No. 5284

Atty. File No.: 1582 WO/US

Title: Preparation of M(CO)<sub>3</sub>-Complexes By Phase Techniques Via Metal Assisted Cleavage From The Solid Support

Examiner: Christopher M. Gross

April 30, 2008

**Response to Restriction Requirement**

TO THE COMMISSIONER FOR PATENTS,

SIR:

This letter is in response to the Office action dated April 15, 2008.

**I. Summary of Telephone Interview**

The Applicants conducted a telephone interview with Examiner Gross on April 29, 2008 regarding a restriction requirement issued by the Office based upon the Markush group of metals described in claim 35. The Applicants respectfully submitted that the restriction requirement was in error as the Markush group of metals are alternatives that belong to an art recognized class of compounds comprising metals that, depending on the particular isotope, can be used in imaging or therapeutic procedures.

Examiner Gross indicated that the group of metals would provide a common purpose to the overall composition that is prepared according to the application, and stated the Applicants should file a response to the present restriction requirement stating the Applicants' argument.

No agreement regarding the allowance of the claims was reached during the teleconference.

**II. Election of Species with Traverse**

Applicants hereby elect <sup>99m</sup>Tc, with traverse, as the species of metals to which the claims shall be restricted if no generic claim is finally held to be allowable. Claims 15-17, 20-28, and 32-36 read on the elected species.

Applicants reserve the right to file a divisional application directed to the non-elected subject matter.